IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRIDGEPORT MUSIC, INC., et al.	)	
	)	
v.	)	NO. 3:01-0773
	)	JUDGE CAMPBELL
LIL JOE WEIN MUSIC, INC., et al.	)	

MEMORANDUM

Pending before the Court are the motions of defendants Luke Records, Inc. ("Luke Records") and Lil' Joe Wein Music, Inc. ("LJWM") to dismiss for lack of personal jurisdiction, or in the alternative, to transfer (Docket Nos. 4 and 5). Luke Record's motion to dismiss is GRANTED pursuant to Local Rule 8(b)(3) for plaintiffs' failure to submit a timely response in opposition thereto, and its motion to transfer is DENIED as moot (Docket No. 4). For the reasons set forth below, LJWM's motion to dismiss or in the alternative, to transfer is DENIED (Docket No. 5).

This case is one of several hundred[1] filed by plaintiffs against various defendants in which plaintiffs allege that the defendants, all entities and/or individuals associated with the "rap" or "hip-hop" music industry, have infringed upon plaintiffs' copyrights in several sound recordings and musical compositions by "sampling" these recordings and/or compositions in subsequent recordings, compositions and performances. The First Amended Complaint alleges

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[1] Plaintiffs originally filed one, massive complaint against almost eight hundred defendants alleging close to five hundred causes of action. Bridgeport Music, Inc. v. 11C Music, Case No. 3:01-0412 (M.D. Tenn. 2001). The Court severed the case by count into 476 surviving cases (the "Bridgeport Cases"), including the instant case, by Order dated July 25, 2001 (Case No. 3:01-0412, Docket No. 349).

copyright infringement arising out of the composition titled "Cowards in Compton" on the sound recordings "In the Nude" and "Greatest Hits" by the rap performer Luther Campbell, which plaintiffs allege contains an infringing "sample" of the composition "Aqua Boogie (A Psychoalphadiscobetabioaquadoloop)" (Docket No. 1, ¶ 65). Defendant LJWM is alleged to be the music publisher of the infringing composition (Plaintiffs' Response to the Motion of Lil' Joe Wein Music, Inc. to Dismiss for Lack of Personal Jurisdiction or, Alternatively, to Transfer ("Plaintiffs' Response") at 1 (Docket No. 11)).

FACTS

LJWM is a Florida corporation with its sole place of business in Florida. LJWM claims that there is no basis for asserting personal jurisdiction over it in Tennessee because: (i) LJWM does not carry on any business activities in Tennessee, it does not have an office, agency or employees in Tennessee, it does not own real property in Tennessee, and its sole customer is an unrelated third-party distributor in Minnesota; (ii) LJWM has never signed a contract in Tennessee and has never received royalties from a Tennessee-based entity, other than Broadcast Music, Inc. ("BMI"); (iii) none of LJWM's employees have corresponded with, transacted with or traveled to the State of Tennessee except one employee on one occasion for a charitable event; (iv) the subject composition was written and recorded in Florida by Florida artists and songwriters, the copyright was registered in Florida and administered solely in Florida, and the royalty statements regarding the composition were prepared in Florida; (v) all acts complained by plaintiffs occurred in Florida; and (vi) LJWM has never done business with plaintiffs in Tennessee or elsewhere (Docket No. 5, ¶ 3).

In response, plaintiffs allege that LJWM, is affiliated with Lil' Joe Records, Inc. ("LJR") such that the acts of LJR should be imputed to LJWM for the purposes of jurisdiction,[2] and that both companies have directly and indirectly transacted business in Tennessee by (i) licensing their musical compositions to be included in sound recordings sold in Nashville, Tennessee, (ii) collecting royalties from sales made in Nashville, Tennessee, (iii) licensing performances of their compositions in Tennessee, and (iv) licensing compositions to be synchronized in a movie to be released, distributed sold and rented in Tennessee (Docket No. 11 at 1-2). In relation to the subject of these lawsuits, plaintiffs allege that LJWM and LJR have infringed on plaintiffs' copyrights through "sampling" of the alleged infringed composition and have participated in the distribution of the infringing compositions and/or sound recordings in Tennessee, thereby committing torts and causing tortious injury in Nashville, Tennessee (id.).

Plaintiffs' jurisdictional allegations in the First Amended Complaint do not provide any factual basis for assertion of jurisdiction, as they recite no facts specific to LJWM or any acts or omissions of LJWM upon which jurisdiction may be based (Docket No. 1, ¶ 17). However, the Federal Rules of Civil Procedure do not require plaintiffs to plead any facts alleging personal jurisdiction in their complaint. Wright & Miller, Fed. Practice and Procedure: Civil 2d § 1363, at 458 (West 1990). The Court must look, then, to plaintiffs' submissions in response to LJWM's

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[2] Lil' Joe Records and LJWM are wholly owned and operated by the same person, Joseph Weinberger. Both entities operate from the same address, and share personnel and office resources. Mr. Weinberger is the sole shareholder, officer and director of both entities. LJR records LJWM's compositions onto sound recordings that it distributes and sells but LJR does not pay any royalties to LJWM, nor does LJWM require LJR to enter into a mechanical license in order to use its compositions. Statement of Facts in Support of Plaintiffs' Response to the Motion of Defendant Lil' Joe Wein Music, Inc. to Dismiss for Lack of Personal Jurisdiction, or Alternatively, to Transfer dated Dec. 7, 2001 ("Plaintiffs' Statement of Facts") (Docket No. 12, ¶¶ 13-16).

motion[3] to see if plaintiffs have asserted facts sufficient to establish a prima facie showing of jurisdiction.

In their Statement of Facts (Docket No. 12), plaintiffs allege that: (i) LJWM is a music publisher that derives nearly all of its income from the receipt of payment for performance royalties (Docket No. 12, ¶ 22); (ii) LJR is a record label that is the alter ego of LJWM (¶¶ 11, 13-16); (iii) LJR markets and distributes sound recordings containing LJWM compositions, and earns money by licensing them to third parties in exchange for royalties, and by re-releasing or continuing to release compilation albums through national distribution channels (¶¶ 30-32); (iv) LJR does not obtain mechanical licenses from LJWM for use of its compositions nor does it pay mechanical license royalties to LJWM (¶¶ 30, 33); (v) LJR makes its greatest profit by distributing compact discs ("CDs") and tapes it has created containing LJR sound recordings to retail outlets through the use of distributors, who attempt to distribute them nationwide (¶¶ 33-35); (vi) for each sound recording sold commercially, LJR receives a portion of the sale price or a royalty payment (¶¶ 36-37); (vii) LJR advertises its sound recordings in national magazines with the purpose of stimulating sales (¶¶ 40-42); (viii) ten to twenty of LJR's sound recordings have been used in movies or videos, which were released nationally (¶¶ 48, 50); (ix) LJR's licensing and distribution arrangements are intended to be nationwide in scope (¶ 51); and (x) LJR's sound recordings, including all of the allegedly infringing sound recordings, are available for purchase on the Internet at various websites, and thereby are available for purchase by consumers in Tennessee (¶¶ 52-57).

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[3] Plaintiffs' Response (Docket No. 11); Plaintiffs' Statement of Facts (Docket No. 12), and exhibits thereto, including the transcript of the Nov. 26, 2001 deposition of Joseph Weinberger ("Weinberger Trans.") (id., Ex. 1).

The question for the Court is whether the foregoing facts and assertions provide a sufficient basis for this Court to assert personal jurisdiction over LJWM. The Court concludes that they do.

ANALYSIS

I.
Standard

On a motion to dismiss for lack of personal jurisdiction, plaintiffs have the burden of setting forth specific facts in support of the Court's exercise of personal jurisdiction over the moving defendants. Theunissen v. Matthews, 935 F.2d 1454, 1458 (6th Cir. 1991). Plaintiffs cannot rely solely on the allegations pleaded in their complaint. Id.

The Sixth Circuit has clearly defined the procedure and standards for determining personal jurisdiction. See Dean v. Motel 6 Operating L.P., 134 F.3d 1269, 1271-1272 (6th Cir. 1998) (citing Serras v. First Tennessee Bank Nat'l Ass'n, 875 F.2d 1212, 1214 (6th Cir. 1989)). The district court may determine the motion on the basis of affidavits alone; it may permit discovery in aid of the motion; it may conduct an evidentiary hearing on the merits of the motion, or it may reserve its decision until trial. Serras, 875 F.2d at 1214. Plaintiffs may defeat the motion by making a prima facie showing of jurisdiction in their pleadings and affidavits, which must be considered by the court in a light most favorable to plaintiffs. CompuServe, Inc. v. Patterson, 89 F.3d 1257, 1262 (6th Cir. 1996). This burden changes if the court chooses to hold an evidentiary hearing; plaintiffs must then establish jurisdiction by a preponderance of the evidence. Id. If the court chooses to rule on the motion without conducting an evidentiary hearing, it "does not weigh the controverting assertions of the party seeking dismissal." Id. (quoting Theunissen, 935 F.2d at 1459). The Sixth Circuit has determined that "[a]ny other rule

would empower a defendant to defeat personal jurisdiction merely by filing a written affidavit contradicting jurisdictional facts alleged by a plaintiff." Serras, 875 F.2d at 1214. "Dismissal in this procedural posture is proper only if all the specific facts which the plaintiff [] alleges collectively fail to state a prima facie case for jurisdiction." CompuServe, 89 F.3d at 1262. If the defendant's written submissions raise disputed issues of fact or require determinations of credibility, the court may exercise its discretion to hold an evidentiary hearing, or may reserve the issue for trial. Dean, 134 F.2d at 1272. In this case, the parties' submissions do not raise any issues of disputed facts regarding jurisdiction. Therefore, the Court will resolve the motion by reference to the submissions alone.

Because this action raises a federal question, the Court must analyze the personal jurisdiction issue pursuant to Rule 4(k) of the Federal Rules of Civil Procedure, which requires this Court to consider whether jurisdiction over the defendant is consistent with the specific requirements of Tennessee's long-arm statute and constitutional principles of due process. See, e.g., Mitchell v. White Motor Credit Corp., 627 F. Supp. 1241, 1246 (M.D. Tenn. 1986). Under Tennessee's long-arm statute, jurisdiction may be asserted on "[a]ny basis not inconsistent with the constitution of this state or of the United States." TENN. CODE. ANN. § 20-2-214(a)(6).[4] This subsection has been interpreted to extend to the limits of personal jurisdiction imposed by the Due Process Clause. Payne v. Motorists' Mutual Ins. Cos., 4 F.3d 454, 455 (6th Cir. 1993).[5]

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[4] See also TENN. CODE. ANN. § 20-2-223.

[5] The Court's Due Process analysis is governed by the Fifth Amendment of the United States Constitution instead of the Fourteenth Amendment in a federal question case such as this one; however, the standards to be applied under the Fifth Amendment are essentially the same as those applicable under the Fourteenth Amendment. See, e.g., Dakota Inds., Inc. v. Dakota Sportswear, Inc., 946 F.2d 1384, 1389 n.2 (8th Cir. 1991).

The Supreme Court has held that personal jurisdiction over a defendant comports with the Due Process Clause where that jurisdiction stems from "certain minimum contacts with [the forum] such that maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" Calder v. Jones, 465 U.S. 783, 788, 104 S. Ct. 1482, 1486, 79 L. Ed. 2d 804 (1984) (quoting International Shoe Co. v. Washington, 326 U.S. 310, 316, 66 S. Ct. 158, 90 L. Ed. 95 (1945)).

Personal jurisdiction may be general or specific depending on the nature of the contacts in a particular case. Compuserve, 89 F.3d at 1263. General jurisdiction exists "when a defendant has 'continuous and systematic contacts with the forum state sufficient to justify the state's exercise of judicial power with respect to any and all claims.'" Aristech Chemical Int'l Ltd. v. Acrylic Fabricators Ltd., 138 F.3d 624, 627 (6th Cir. 1998) (quoting Kerry Steel v. Paragon Indus. Inc., 106 F.3d 147, 149 (6th Cir. 1997)). Specific jurisdiction, on the other hand, subjects the defendant "to suit in this forum state only on the claims that 'arise out of or relate to' a defendant's contacts with the forum.'" Id.

The Sixth Circuit has established three criteria to be used in determining whether specific jurisdiction exists in a particular case:

> First, the defendant must purposefully avail himself of the privilege of acting in the forum state or causing a consequence in the forum state. Second, the cause of action must arise from the defendant's activities there. Finally, the acts of the defendant or consequences caused by the defendant must have a substantial enough connection with the forum state to make the exercise of jurisdiction over the defendant reasonable.

Payne, 4 F.3d at 455 (quoting Southern Machine Co. v. Mohasco Indus., Inc., 401 F.2d 374, 381 (6th Cir. 1968)). The "purposeful availment" requirement is "the *sine qua non* of *in personam* jurisdiction." Mohasco Indus., 401 F.2d at 381-82. It is satisfied "when the defendant's contacts

with the forum state 'proximately result from actions by the defendant himself that create a "substantial connection" with the forum State,' and when the defendant's conduct and connection with the forum are such that he 'should reasonably anticipate being haled into court there.'" CompuServe, Inc., 89 F.3d at 1263 (quoting Burger King Corp. v. Rudzewicz, 471 U.S. 462, 474-74, 105 S. Ct. 2174, 2183-84, 85 L. Ed. 2d 528 (1985)). A defendant should not be haled into a jurisdiction where his contacts are random, fortuitous, or attenuated. Id.

II.
Plaintiffs Have Sufficiently Alleged an Alter-Ego
Relationship Between LJWM and LJR for Jurisdictional Purposes

Plaintiffs' jurisdictional assertions regarding LJWM, standing alone, are insufficient to establish LJWM's purposeful availment of this forum. The only contacts with Tennessee that are specifically attributable to LJWM are through its affiliation with BMI. See Plaintiff's Statement of Facts, ¶¶ 22-29 (Docket No. 12). Plaintiffs assert that BMI's activities in Tennessee can be imputed to LJWM for the purposes of jurisdiction because BMI is essentially an agent of LJWM. (Docket No. 11 at 9-11). The cases cited by plaintiffs in support of this proposition – In re Magnetic Audiotape Antitrust Litigation, 99 Civ. 1580, 2001 U.S. Dist. LEXIS 5160, *15 (S.D.N.Y. Feb. 20, 2001); Top Form Mills, Inc. v. Sociedad Nationale Industria Applicazioni Viscosa, 428 F. Supp. 1237, 1242 (S.D.N.Y. 1977); and Gelfand v. Tanner Motor Tours, Ltd., 385 F.2d 116, 120-121 (2d Cir. 1967) – are clearly distinguishable from the facts presented here. BMI is alleged to be a performance rights organization, not a music publisher (Docket No. 12, ¶¶ 11, 24). BMI provides only licensing services to LJWM. In order to assert an agency relationship from which jurisdiction can be imputed, based on the case law cited by plaintiffs, plaintiffs would have to show that BMI's activities here are the same as LJWM's would be if

LJWM had a Tennessee office – i.e., BMI would be performing the functions of a music publishing company in Tennessee. No such showing has been made. See Magnetic Audiotape, 2001 U.S. Dist. LEXIS 1560 at *15 (non-resident defendant not involved in magnetic audiotape business during relevant period, therefore subsidiaries could not have been doing what non-resident defendant would do if subsidiaries did not exist). The Court concludes that the activities of BMI cannot be imputed to LJWM for the purposes of establishing jurisdiction. See also R.L. Lipton Distrib. Co. v. Dribeck Importers, Inc., 811 F.2d 967, 970 (6th Cir. 1987) (conduct and contacts of independent distributor over which non-resident defendant had little, if any, control not attributed to defendant); Hospital Underwriting Group, Inc. v. Summit Health Ltd., 791 F. Supp. 627, 633 (M.D. Tenn. 1989) (essential test under Tennessee law for existence of agency relationship is right of control).

Plaintiffs have not alleged any other contacts that LJWM has with this forum other than its relationship with BMI.[6] Plaintiffs argue, however, that LJR's contacts with the forum are attributable to LJWM. This Court finds that plaintiffs' factual assertions regarding the lack of corporate formalities between the entities and the commonality of ownership and operations offer prima facie proof that, for the purposes of establishing personal jurisdiction, LJWM and LJR may be treated as the same entity. See In re Telectronics Pacing Systems, Inc., 953 F. Supp. 909, 918-920 (S.D. Ohio 1997) (strict "alter ego" analysis not required for jurisdictional inquiry into

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[6] While plaintiffs have not established an agency relationship between BMI and LJWM, the assertion that LJWM receives licensing payments for the infringing compositions from BMI's office in Nashville, Tennessee (Docket No. 12, ¶ 29), is an alleged contact with the forum for purposes of specific jurisdiction. Because the Court finds specific jurisdiction over LJWM by attributing LJR's contacts to LJWM, it need not decide at this time whether the BMI payments standing alone are sufficient to establish a prima facie showing of specific jurisdiction.

relationship between corporate entities). The Telectronics Court offered a comprehensive approach to the use of an "alter ego" theory in jurisdictional analysis, and concluded that the proper analysis is a balancing test that starts with "a common sense appraisal of economic relationships" and an examination of "a business relationship from the practical viewpoint of businessmen," instead of a strict adherence to a conceptual framework designed to determine liability. Id. at 920 (quoting Bulova Watch Co. v. K Hattori & Co., 508 F. Supp. 1322, 1327 (E.D.N.Y. 1981).

Here, plaintiffs have asserted facts, which are uncontradicted by defendant, to make a prima facie showing that, for all practical purposes, LJWM and LJR operate as a single business unit. Defendant is free to offer proof at trial that this is not the case, but on the facts alleged, plaintiffs have shown that LJR's contacts with Tennessee are attributable to LJWM. Telectronics, 953 F. Supp. at 920-921 (facts showed that "absent parent and the subsidiary are in fact a single legal entity" for the purposes of jurisdiction).

Next, it must be determined whether LJR has sufficient contacts with this forum to warrant assertion of personal jurisdiction. Plaintiffs' argument is essentially a "stream of commerce" argument – that LJR has purposefully availed itself of this forum by placing sound recordings containing the allegedly infringing compositions into the stream of commerce with the knowledge and intent that its product would be sold nationally, including in Tennessee. See Plaintiffs' Response at 14-16 (Docket No. 11); Plaintiffs' Statement of Facts, ¶¶ 40-42 (Docket No. 12); Tobin v. Astra Pharm. Products, Inc., 993 F.2d 528, 542-544 (6th Cir. 1993). Plaintiffs have shown that defendant knowingly and intentionally placed its sound recordings into the stream of commerce by selling them to national distributors who in turn sold them to retailers

with stores in Tennessee. See Weinberger Trans. at 11-12 (Docket No. 12, Ex. 1); Tobin, 993 F.2d at 544.

Under the Sixth Circuit's interpretation of Asahi Metal Inds. Co. v. Superior Court, 480 U.S. 102, 112, 107 S. Ct. 1026, 1032, 94 L. Ed. 2d 92 (1987), plaintiffs must also assert "additional conduct" beyond defendant merely placing its product into the stream of commerce. Tobin, 993 F.2d at 542-544 (adopting "stream of commerce plus" approach advanced by O'Connor plurality opinion in Asahi). Plaintiffs have met their burden at this stage by asserting that, in addition to seeking nationwide distribution of its sound recordings, LJR has also advertised in national magazines whose circulation includes Tennessee (Docket No. 12, ¶¶ 40-42) and that LJWM has received licensing payments for the allegedly infringing compositions from BMI's Nashville, Tennessee office (id., ¶ 29).[7] These assertions provide the additional conduct necessary to satisfy the "stream of commerce plus" test. See Asahi, 480 U.S. at 112, 107 S. Ct. at 1032 (examples of additional conduct indicating defendant's intent or purpose to serve market in forum State).

Plaintiffs also assert that the availability of LJR's sound recordings for sale over the Internet supports a finding of specific jurisdiction (Docket No. 11 at 14). While plaintiffs have shown that these sound recordings are offered for sale at various Internet sites, they have not offered any evidence showing a sale to a Tennessee consumer via an Internet site (Docket No. 12,

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[7] It is unclear whether LJR advertised the sound recordings containing the allegedly infringing compositions. For the purposes of specific jurisdiction, the cause of action must arise from the defendant's contacts with the forum. CompuServe, 89 F.3d at 1263. The Court is required at this stage, however, to view plaintiffs' assertions in a light most favorable to plaintiffs, and therefore must assume that the asserted contacts relate to the compositions at issue here. Id. at 1267.

¶¶ 52-58). Even if the Court were to assume that such sales have occurred, the Court notes that the growing body of law on the subject of assertion of jurisdiction based on Internet activity requires more purposeful behavior on the part of defendants than is alleged here. See Bailey v. Turbine Design, Inc., 86 F. Supp. 2d 790, 794 (W.D. Tenn. 2000) (general posting on the Internet is not sufficient to establish minimum contacts). Based on Mr. Weinberger's testimony that he does not have any knowledge as to how the sound recordings are made available to the Internet retailers (Weinberger Trans. at 78-79 (Docket No. 12, Ex. 1)), the Court cannot credit plaintiffs' assertion as supporting a finding of specific jurisdiction.

The Court must determine next whether the cause of action arises from defendant's contacts with the forum state, and whether the acts of defendant have a substantial enough connection with the forum to make the exercise of jurisdiction over defendant reasonable. Payne, 4 F.3d. At 455. Plaintiffs have demonstrated that the sound recordings containing allegedly infringing compositions are available for sale in Tennessee, and that their availability in Tennessee is due to LJR's actions. Plaintiffs' Statement of Facts, ¶47, 19, 35, and Ex. 2 (Docket No. 12). Plaintiffs have therefore established that their cause of action arises from defendant's contacts with the forum state.[8] See Tobin, 993 F.2d at 544.

Once the first two elements of the due process test are established, an inference arises in this Circuit that the third element – that exercising personal jurisdiction over defendant would be reasonable – is also met. CompuServe, 89 F.3d at 1267-1268. Reasonableness should be viewed

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[8] Plaintiffs also assert that defendant's activities regarding synchronization licenses relate to the cause of action (Docket No. 11 at 21). Plaintiffs have not alleged, however, that defendant entered into any synchronization licenses for the allegedly infringing compositions (Docket 12, ¶¶ 48-51). As alleged, these activities do not appear to be related to plaintiffs' cause of action.

in light of several factors, including "the burden of the defendant, the interest of the forum state, the plaintiff's interest in obtaining relief, and the interest of other states in securing the most efficient resolution of controversies." Id. at 1268 (quoting American Greetings Corp. v. Cohn, 839 F.2d 1164, 1169-1170 (6th Cir. 1988)). This Court has presently before it over four hundred Bridgeport Cases that raise certain common legal issues arising from similar facts. Over the past eight months, the Court has gained considerable knowledge of the parties' claims and defenses and the underlying facts at issue in the Bridgeport Cases. Hundreds of motions have been filed and decided. It is clearly evident that in the interest of "the most efficient resolution of [these] controversies" that these cases be adjudicated by this Court. This factor weighs heavily in favor of a finding of reasonableness. Defendants have not shown that the other factors – the burden on defendant of litigating in Tennessee, the absence of contacts between plaintiffs and the forum are weighty enough to overcome the inference of reasonableness arising from the Court's conclusion that defendant has purposefully availed itself of this forum State.

III.
Balance of Factors Weighs Against Transfer of Venue

Defendant has moved pursuant to 28 U.S.C. § 1404(a) to transfer this case to the Southern District of Florida, citing several "private interest" factors that it claims weigh in favor of transfer. Gulf Oil Corp. v. Gilbert, 330 U.S. 501, 508, 67 S. Ct. 839, 843, 91 L. Ed. 1055 (1947). This Court has considered these factors, and concludes that they do not outweigh the public interest in having all of the Bridgeport Cases adjudicated in one forum.

The decision to transfer a case to another district is committed to the broad discretion of the trial court. Fannin v. Jones, 229 F.2d 368, 370 (6th Cir.), cert. denied, 351 U.S. 938, 76 S. Ct. 834, 100 L. Ed. 1465 (1956); Equal Employment Opportunity Comm'n v. Hartz Mountain Corp.,

No. 89-2726-G, 1991 WL 337533, *2 (W.D. Tenn. 1991). The plaintiff's choice of forum is traditionally entitled to a considerable amount of deference. Id. The burden is on the moving party to show with specificity that this forum is inconvenient. See Blane v. Amer. Inventors Corp., 934 F. Supp. 903, 907 (M.D. Tenn. 1996).

Several "public interest" factors weigh in favor of venue in this district. Gulf Oil, 330 U.S. at 508-509, 67 S. Ct. at 843. The Court has already concluded[9] that the totality of circumstances, including the risk of inconsistent judgments arising from piecemeal litigation in other fora, weigh heavily in favor of one judge hearing all of the Bridgeport Cases, including this one, where they have been brought. As noted above, the Court has already familiarized itself with the parties' overall claims and defenses and many of the underlying facts in this case. It would be a supreme waste of judicial resources to transfer this case at this juncture. Moreover, "[a] prompt trial ... is not without relevance to the convenience of parties and witnesses and the interest of justice." Fannin v. Jones, 229 F.2d at 369. The Bridgeport Cases will be tried, barring extraordinary circumstances, starting in November 2002. The cases are well along in terms of discovery, preparation of expert reports, and resolution of hundreds of pre-trial motions. Transfer will amount to a substantial delay in this case going to trial. Weighing these "public interest" factors along with defendant's "private interest" factors, the Court concludes that defendant has not shown that its inconvenience at litigating in this district is substantial enough to warrant a change of venue. Based on the totality of circumstances, it is not in the interest of justice to transfer this case to another venue.

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[9] Bridgeport Music, Inc. v. Sony Music Entertainment, Inc., Case No. 3:01-0931 (M.D. Tenn. Nov. 5, 2001) (Docket No. 12).

IV.
Conclusion

For the foregoing reasons, the motion to dismiss for lack of personal jurisdiction or, in the alternative, to transfer of defendant Lil' Joe Wein Music, Inc. is DENIED in its entirety.

Todd Campbell

TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE